



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

CAPLAN et al.

Serial No.: 09/287,436

Filed: April 7, 1999

Atty. File No.: 4312-14-1

For: "ILLUMINATION ASSEMBLY FOR
DENTAL AND MEDICAL
APPLICATIONS

) Group Art Unit: 2875

) Examiner: S. Husar

) SUBMISSION OF MATERIALS
) UNDER MPEP 2001.06(c)

) **CERTIFICATE OF MAILING**

) I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
) DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS
) FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE
) COMMISSIONER OF PATENTS, WASHINGTON, DC 20231 ON June
) 6, 2001.

) SHERIDAN ROSS P.C.

BY: *Amy Duarte*

Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

The present Submission of Material is filed in compliance with MPEP 2001.06(c) entitled
"Information from Related Litigation." The following documents are provided herewith:

"Notice of Entry of Judgement Without Opinion", Surgical Acuity v. General Scientific, 99-
1406, DCT WD/WI - 98-CV-457;

"Judgment" (from the above-captioned case) dated May 4, 2000;

"Order" from United States District Court, Western District of Wisconsin, Surgical Acuity,
Inc. v. General Scientific Corporation, case no. 98-CV-457-S, dated April 22, 1999.

"Order" from United States District Court, Western District of Wisconsin, Surgical Acuity,
Inc. v. General Scientific Corporation, case no. 98-CV-457-S, dated July 22, 1999.

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Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Joseph E. Kovarik

Registration No. 33,005

1560 Broadway, Suite 1200

Denver, Colorado 80202-5141

(303) 863-9700

Date: 6/6/01

M:\4312\14\1\submission of material.wpd

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

NOTICE OF ENTRY OF
JUDGMENT WITHOUT OPINION

JUDGMENT ENTERED: 05/04/00

The judgment of the court in your case was entered today pursuant to Rule 36. This Court affirmed the judgment or decision that was appealed. None of the relief sought in the appeal was granted. No opinion accompanied the judgment. The mandate will be issued in due course.

Information is also provided about petitions for rehearing and suggestions for rehearing in banc. The questions and answers are those frequently asked and answered by the Clerk's Office.

Costs are taxed against the Appellant(s) in favor of the Appellee(s) under Rule 39. The party entitled to costs is provided a bill of costs form and an instruction sheet with this notice.

The parties are encouraged to stipulate to the costs. A bill of costs will be presumed correct in the absence of a timely filed objection.

Costs are payable to the party awarded its costs. If costs are awarded to the government, they should be paid to the Treasurer of the United States. Where costs are awarded against the government, payment should be made to the person(s) designated under the governing statutes, the court's orders, and the parties' written settlement agreements. In cases between private parties, payment should be made to counsel for the party awarded costs or, if the party is not represented by counsel, to the party pro se. Payment of costs should not be sent to the court. Costs should be paid promptly.

Exhibits and visual aids shall be promptly retrieved by the party that lodged them with this court.

*Jan Horbaly/pb*JAN HORBALY
Clerkcc: DOUGLAS W. SPRINKLE
JOHN F. FLANNERYSURGICAL ACUITY V GENERAL SCIENTIF, 99-1406
DCT WD/WI - 98-CV-457

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NOTE: Pursuant to Fed. Cir. R. 47.6, this disposition is not citable as precedent. It is a public record. The disposition will appear in tables published periodically.

United States Court of Appeals for the Federal Circuit

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99-1406

SURGICAL ACUITY, INC.,

Plaintiff-Appellee,

v.

GENERAL SCIENTIFIC CORPORATION,

Defendant-Appellant.

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

MAY 04 2000

JAN HORBALY
CLERK

Judgment

ON APPEAL from the U.S. District Court for the Western District of Wisconsin
in CASE NO(S). 98-CV-457

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED: —

Per Curiam (MICHEL, LOURIE and RADER, Circuit Judges):

AFFIRMED. See Fed. Cir. R. 36.

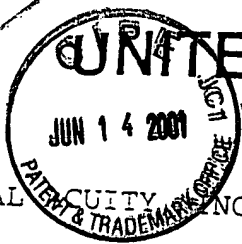
ENTERED BY ORDER OF THE COURT

DATED MAY 04 2000

Jan Horbaly/B

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AMK



DOCKET
NUMBER

U.S. DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

JGP
Client

APR 22 1999

SURGICAL ACUITY, INC.,

Plaintiff,

v.

GENERAL SCIENTIFIC CORP.,

Defendant.

JUDGMENT IN A CIVIL CASE

JOSEPH W. SKUPNIEWITZ, CLERK

CASE
NUMBER 98-C-457-S

This action came before the court and a jury with DISTRICT JUDGE JOHN C. SHABAZ presiding. The issues have been tried and the jury has rendered its verdict.

IT IS ORDERED AND ADJUDGED

THAT JUDGMENT IS ENTERED IN FAVOR OF PLAINTIFF SURGICAL ACUITY, INC. AGAINST DEFENDANT GENERAL SCIENTIFIC CORP. DECLARING THAT UNITED STATES PATENT NUMBER 5,667,291 IS INFRINGED BY SAID DEFENDANT WHO TOGETHER WITH THOSE IN PRIVITY WITH IT ARE PERMANENTLY ENJOINED FROM FURTHER INFRINGEMENT OF SAID '291 PATENT AND THAT PLAINTIFF IS AWARDED FROM SAID DEFENDANT \$274,410.00 WHICH INCLUDES \$91,470.00 FOR WILLFULLNESS, PREJUDGMENT INTEREST AND COSTS.

Approved as to form this 21st day of April, 1999.

JOHN C. SHABAZ
DISTRICT JUDGE

Woods,
Cole, Posa, Hetzler
22 April 99.
L. Jensen

Joseph W. Skupniewitz, Clerk

by Deputy Clerk

APR 22 1999

Date

272 JGP
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U.S. DISTRICT COURT
WEST DIST. OF WISCONSIN

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PATENT & TRADEMARK OFFICE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN
1999

FILED
SKUPNIEWITZ CLERK
AMENDED

JUDGMENT IN A CIVIL CASE

SURGICAL MARKING UTILITY, INC.,

Case No.: 98-C-457-S

Plaintiff,

v.

GENERAL SCIENTIFIC
CORPORATION,

BEST AVAILABLE COPY

Defendant.

This action came before the court with DISTRICT JUDGE JOHN C. SHABAZ presiding. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

THAT JUDGMENT PREVIOUSLY ENTERED IN THIS MATTER ON APRIL 22, 1999 IS AFFIRMED AND AMENDED TO INCLUDE PREJUDGMENT INTEREST IN THE AMOUNT OF \$7,682.

Approved as to form this 21st day of July, 1999.

JOHN C. SHABAZ
DISTRICT JUDGE

RECEIVED
JUL 26 1999
GIFFORD, KRASS, GROH, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.

Copy of this document has been
provided to: all
Counsel
this 22nd date of July, 1999
By CAK/Levi U
Deputy Clerk

JUL 22 1999

L. M. Lee Joseph W. Skupniewitz, Clerk
by Deputy Clerk

Date